

**DECLARATION OF CLARK WHEELER**

I, Clark Wheeler, Special Agent, do hereby declare:

**INTRODUCTION**

1. I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration and have been so appointed since February of 1998. I am currently assigned to the Medford Resident Office. During my tenure, I have conducted or assisted in numerous investigations of criminal violations of the Controlled Substances Act and Federal Drug Trafficking Statutes. Many of these investigations focused on individuals who have distributed, manufactured, or derived assets or income from illegal sources, specifically from the unlawful distribution of controlled substances. Prior to my hiring by DEA, I worked as a credit union teller, accountant, and internal auditor. I have a bachelors in business administration degree, cum laude from the University of Portland, with a finance major.
2. This declaration is submitted in support of the complaint seeking *in rem* forfeiture of:
  - The real property, including the lot or tract of land and any appurtenances or improvement on that property commonly known as **700 Upper Applegate Road, Map/Tax lot #383W27C 1509, Jackson County, Oregon**. This property is 5 acres, with an approximately 1296 square foot double wide manufactured home and other structures. This is the premises of the High Hopes Farm operated by James BOWMAN and the property contained a marijuana grow. The property is titled in the name of

Melissa Jean YAGER, who is believed to be BOWMAN's girlfriend; and

- The real property, including the lot or tract of land and any appurtenances or improvement on that property commonly known as **746 Upper Applegate Road, Map/Tax lot #383W33 100**. This property is 156.14 acres, and includes a 2178 square foot one story residence, 1792 square foot two story residence, and a 924 square foot single wide manufactured home, and outbuildings. This location contained a marijuana grow and the residences of David COLLINS and William Day BODDORFF. The property is titled in the name of BODDORFF.

3. As set forth below, there is probable cause to believe, and I do believe, that JAMES BOWMAN, hereinafter referred to as BOWMAN, and others engaged in activities constituting illegal narcotics possession, manufacturing, trafficking and conspiracy in violation of 21 U.S.C. §§ 841 and 846. Furthermore, I believe that BOWMAN also engaged in transactions designed to facilitate the illegal cultivation of marijuana on these properties, to promote the carrying on of his illegal activity, and to conceal or disguise the nature, the location, the source, the ownership, and the control of the proceeds from the illegal distribution of marijuana. As such and as set forth below, there is probable cause to believe, and I do believe, that the real property, including the lot or tract of land and any appurtenances or improvement on that property commonly known as **700 Upper Applegate Road, Map/Tax lot #383W27C 1509, Jackson County, Oregon**, and the real property, including the lot or tract of land and any appurtenances or improvement on that property commonly known as **746 Upper Applegate Road,**

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Map/Tax lot #383W33 100, were used to commit and facilitate violations of 21 U.S.C. §§ 841 and 846, and are therefore subject to seizure and forfeiture pursuant to 21 U.S.C. § 881(a)(7).

### TRAINING AND EXPERIENCE

4. I have personally been involved in and participated in undercover operations and investigations relating to trafficking in marijuana, methamphetamine, cocaine, heroin, ecstasy and other drugs.
5. As a Special Agent of the DEA, I am charged with the duty of enforcing the Controlled Substances Act (Title 21, United States Code). I have personally conducted or assisted in hundreds of narcotics investigations. I graduated from DEA's Basic Agent Academy and I have completed numerous in-service trainings/classes in the narcotics and other criminal investigations, including specific training in indoor and outdoor marijuana grow operations. I have been involved in the investigation, writing, and execution of numerous indoor and outdoor marijuana grow search warrants. I have experience in the area of undercover work and have written, executed and assisted in the execution of numerous other drug-related search warrants in the past.
6. By virtue of my employment as a DEA Special Agent, I have performed various tasks, which include, but are not limited to: functioning as a surveillance agent, and thereby observing and recording movements of persons trafficking in drugs, and those suspected of trafficking in drugs; and interviewing witnesses and informants relative to the illegal drug trafficking and distribution of monies and assets derived from the illegal drug trafficking.

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INVESTIGATION***AERIAL SURVEILLANCE OF 700 AND 746 UPPER APPLGATE ROAD***

7. On approximately September 29, 2008, DEA Task Force Officer (TFO) Damian Amarillas conducted aerial surveillance and took photographs of an outdoor marijuana grow operation, known as the High Hopes Farm, located at **Map/Tax Lot 383W27C/1509**, also known as **700 Upper Applegate Road, Jacksonville**, in Jackson County, Oregon. TFO Amarillas is a sworn Police Officer with the Ashland Police Department in Oregon and has been so employed since October of 2001. TFO Amarillas has been assigned to the DEA Medford Resident Office since July of 2005. He has personally been involved in and participated in undercover operations and investigations relating to trafficking in marijuana, methamphetamine, cocaine, heroin, ecstasy and other drugs. He has attended numerous trainings/classes in the areas of narcotics investigations and other criminal investigations to include: specific training in the area of marijuana grows. He has been involved in the investigation, authoring, and execution of numerous indoor and outdoor marijuana grow search warrants.
8. TFO Amarillas and I examined the photographs and determined that there were approximately 95 marijuana plants growing in an open greenhouse-type structure at the site. We determined that these plants are marijuana from their consistent round shape, their consistent size and color. They were planted in multiple rows and with supporting wood or metal stakes next to them. By comparing the plants with adjacent vehicles and structures, TFO Amarillas estimated that the plants range between 5 and 8 feet in height and about 3 to 5 feet in diameter. TFO

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Amarillas also observed several residences and outbuildings on the property.

9. I reviewed Google Earth satellite imagery of the High Hopes Farm, **700 Upper Applegate Road** from July 20, 2010, and observed approximately 175 marijuana plants growing at the site. I determined that these plants were marijuana from their consistent round shape and their consistent size and color. Approximately 80 of the marijuana plants were planted in multiple rows in the same open greenhouse-type structure seen on the property in 2008 during aerial surveillance. An additional approximately 95 marijuana plants were planted near the approximately 80 marijuana plants in four triangular patterns which form a square.

10. In August and September, 2011, SA Ronald Wright again conducted aerial surveillance of the High Hopes Farm, **700 Upper Applegate Road, Jacksonville, Oregon**. He photographed the marijuana grow operation and surrounding area. SA Wright and I examined the photographs and determined that there were approximately 175 marijuana plants growing at the site. We determined that these plants are marijuana from their consistent round shape, and their consistent size and color. Approximately 80 of the marijuana plants were planted in multiple rows under the same open greenhouse-type structure seen on the property in 2008 during aerial surveillance and 2010 from the Google Earth satellite imagery. An additional approximately 95 marijuana plants are planted near the approximately 80 marijuana plants in four triangular patterns which form a square as seen in the Google Earth July 20, 2010, satellite imagery. By comparing the plants with adjacent vehicles and structures SA Wright estimated

that the plants range between 5 and 8 feet in height and about 3 to 5 feet in diameter. He also observed several buildings on the property as well as three yellow Cross Creek trucking brand semi-truck trailers.

11. On July 6, 2012, and August 29, 2012, SA Ronald Wright conducted aerial surveillance and took photographs of marijuana growing at the High Hopes Farm, **700 Upper Applegate Road, Jacksonville, Oregon**, and a nearby property **Map/Tax Lot 383W33-100** later identified as **746 Upper Applegate Road, Jacksonville, Oregon**.<sup>1</sup> According to the Jackson County Tax Assessor's office **746 Upper Applegate Road, Jacksonville, Oregon**, includes the mailing addresses **1470 and 1473 Hamilton Road**, Medford, Jackson County, Oregon, which is 156.14 acres, and includes a 2178 square foot one story residence, 1792 square foot two story residence, and a 924 square foot single wide manufactured home, and outbuildings.. Further investigation, revealed that this location includes the mailing address **1380 Hamilton Road** as well.
12. SA Wright and I examined the photographs and determined that there were approximately 175 marijuana plants growing at the **700 Upper Applegate Road (Tax lot #1509)** and approximately 207 marijuana plants growing at the **746 Upper Applegate Road (Tax Lot #100)**. We determined that these plants are marijuana from their consistent round shape, and their consistent size and color.
13. At **700 Upper Applegate Road**, approximately 80 marijuana plants were planted in multiple rows under the same rectangular structure seen on the property during

<sup>1</sup> These properties are listed with the Jackson County Tax Assessors Office as Applegate Road, Medford, Oregon, however they are listed with the U.S. Postal Service as Upper/Little Applegate Road, Jacksonville, Oregon. They are located just outside of Jacksonville.

the previous aerial surveillances. An additional approximately 95 marijuana plants in four triangular patterns form a square. I also observed several structures on the property.

14. At **746 Upper Applegate Road**, the marijuana plants were planted in two separate circles. These circles are made from triangular patterns similar to those planted at **700 Upper Applegate Road**. One circle contains approximately 100 marijuana plants, planted in four triangles with 25 plants in each triangle. The other circle contains approximately 107 marijuana plants, planted in four similar triangles with 27 plants in each triangle.
15. During Special Agent Wright's aerial reconnaissance of the outdoor marijuana grow sites at **700 and 746 Upper Applegate Road**, SA Wright observed three yellow Cross Creek trucking branded semi-truck trailers on each of the two properties.

**High Hopes Farm - 700 Upper Applegate Road**

16. In June 2012, The Oregonian reporter Noelle Crombie published a series of articles regarding the Oregon Medical Marijuana Program (OMMP) which included several articles on James BOWMAN and the High Hopes Farm. An analysis of OMMP data by The Oregonian showed that BOWMAN produces the most marijuana under the OMMP in the state of Oregon. According to Ms. Crombie, "This year he plans to cultivate about 400 plants, each producing an estimated 3 pounds of marijuana. That translates into 1,200 pounds of pot, more than a half-ton, with a black market value of more than \$1 million."
17. In August 2012, I reviewed the Oregon Secretary of State Business Registry

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which listed "The High Hopes Farm" as an active business located at **700 Upper Applegate Road, Jacksonville, OR**. The Registered Agent and Registrant is James Robert BOWMAN. I also reviewed the High Hopes Farm's (HHF) website, [www.thehighhopesfarm.com](http://www.thehighhopesfarm.com). The website's home page states:

"The High Hopes Farm is a unique co-operative of medicinal cannabis growers in the scenic Rogue Valley of Southern Oregon. HHF pioneers a Community Supported Agriculture (CSA) model of cannabis production and distribution to the 100 patients it serves, as well as to Oregon Medical Marijuana Program (OMMP) cardholders across the state. The High Hopes Farm's innovative structure provides a model for successful, quality, reliable and lawful cannabis cultivation and provision for OMMP registry cardholders. HHF employs only organic growing methods, controlling mildew, mold and mites without the use of toxic herbicides and pesticides that degrade and poison the final product. The team of experienced growers at HHF have been developing their talents as cannabis horticulturalists in the unique climate of Southern Oregon since the Oregon Medical Marijuana Act (OMMA) was first passed in 1998. As a result the growers at HHF are among the most skilled in the Northwest and perhaps, the world."

The website shows several photographs of growing marijuana and depicts James BOWMAN as the operator.

18. James Robert BOWMAN has a 1991 felony conviction for Possession of a Controlled Substance; Marijuana, in Josephine County, Oregon and a 1992 federal felony conviction for Manufacture of Marijuana in the District of Oregon in which he was sentenced to 46 months in federal prison.
19. In August 2012, I subpoenaed Pacific Power's records for **700 Upper Applegate Road** which shows the customer as James BOWMAN and lists Jean YAGR (sic), 541-899-0500, as a reference. According to Pacific Power, BOWMAN has been the customer on the account since November 21, 2006.

20. Jackson County Assessor's records show that **700 Upper Applegate Road**,

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**Jacksonville, Oregon, Map/Tax lot #383W27C 1509** is owned by Melissa J. YAGER. YAGER has no known criminal history. The Jackson County Tax Assessor's Office records show that YAGER purchased the property in April 2002 for \$162,500.

21. A review of 411.info.com lists a Jean YAGER at (541)XXX-0500 in Jacksonville, Oregon. According to Dun and Bradstreet's Credibility Corp. website dandb.com, (541)XXX-0500 is the telephone number to High Hopes Farm Inc. In January 2012, I subpoenaed Qwest/Century Link subscriber records for (541)XXX-0500, which showed the customer as **James BOWMAN, 700 Upper Applegate Road, Jacksonville, OR**, and is billed to BOWMAN at PO Box 222, Jacksonville, OR 97530.

22. Oregon DMV records on August 23, 2012, show Melissa Jean YAGER and James Robert BOWMAN residing at **700 Upper Applegate Road, Jacksonville, OR**. BOWMAN also includes an alternate address of PO Box 222, Jacksonville, OR. BOWMAN previously listed his residence address as 2110 Little Applegate Road, Jacksonville, OR, which he changed to **700 Upper Applegate Road** in September 2008.

23. In August 2012, I subpoenaed Pacific Power's records for 2110 Little Applegate Road which show the customer as James BOWMAN and lists Jean YAGR (sic). According to Pacific Power, BOWMAN has been the customer on the account since November 27, 1995.

24. On August 23, 2012, state law enforcement officers checked OMMP records which showed Melissa Jean YAGER as a marijuana grower for two patients at

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**700 Upper Applegate Road, Jacksonville, Oregon.** On August 10, 2012, state law enforcement officers checked OMMP records, which indicated that **700 Upper Applegate Road** is a marijuana grow site for 67 persons. OMMP rules allow for 402 mature marijuana plants (6 plants per patient). OMMP records also indicate that James Robert BOWMAN, is a marijuana patient, a grower for 2 patients, and a caregiver for 85 patients.

25. On September 17, 2012, the Honorable Mark D. Clarke, United States Magistrate Judge, authorized search warrants for **700 and 746 Upper Applegate Road** along with several other locations to search for evidence of the crimes of Manufacture, Distribution, and Possession with Intent to Distribute Marijuana, and Conspiracy to commit the same, in violation of Title 21 United States Code, Section 841(a)(1) and 846. During the service of the federal search warrant on September 18, 2012, 700 Upper Applegate Road was found to contain 601 marijuana plants and approximately 400 pounds of dried marijuana bud and leaves. The service of the search warrant will be discussed further below.

**746 UPPER APPLGATE ROAD -- Map/Tax Lot 383W33 100**

26. Jackson County Assessor Records show that **Map/Tax Lot 383W33 100** includes the mailing addresses **746 Applegate Road**, and **1470 and 1473 Hamilton Road**, Jackson County, Oregon. Jackson County Property records show that Day W. BODDORFF purchased **746 Applegate Road, Map/Tax lot #383W33 100**, from M. Robert Evans and Margaret M. Evans on October 25, 2011 for \$987,000. I obtained a copy of a Trust Deed for the property from First American Title Insurance Company of Oregon, which showed Day W. BODDORFF agreed to pay the Evans \$587,000 by November 1, 2016. Oregon Department of Motor

Vehicles (DMV) records from August 13, 2012 also show Day William BODDORFF, residing at **1470 Hamilton Road, Jacksonville, Oregon**. I also reviewed a Jackson County Sheriff's Office arrest report wherein BODDORFF was arrested at **1470 Hamilton Road, Jacksonville, OR**, for domestic assault on May 12, 2011; no charges were filed. Law enforcement databases show that Day William BODDORFF lives at **1470 Hamilton Road, Jacksonville, Oregon**.

27. On July 10, 2012, state law enforcement officers checked with the Oregon Medical Marijuana Program (OMMP), which indicated that **746 Upper Applegate Road** is a grow site for 26 persons. On September 12, 2012, according to the OMMP, **1380 Hamilton Road, Jacksonville, Oregon**, is a grow site for 33 people. OMMP rules thus limit this address to 354 mature marijuana plants (59 patients x 6 plants per patient). This property was part of the properties searched pursuant to the warrants issued by Judge Clarke. During the service of a federal search warrant on September 18, 2012, this property was found to contain 206 large marijuana plants.

#### SEARCH WARRANTS AT 700 AND 746 UPPER APPLGATE ROAD

28. As previously mentioned, on September 17, 2012, Judge Mark D. Clarke, United States Magistrate Judge, authorized search warrants for **700 and 746 Upper Applegate Road** along with other locations to search for evidence of the crimes of Manufacture, Distribution, and Possession with Intent to Distribute Marijuana, and Conspiracy to commit the same, in violation of Title 21 United States Code, Section 841(a)(1) and 846. On September 18, 2012, federal search warrants were served at 700 Upper Applegate Road, and 746 Upper Applegate Road,

Jacksonville, Oregon, for evidence related to marijuana manufacturing and distribution.

29. Agents seized approximately 601 marijuana plants and approximately 400 pounds of dried marijuana bud and leaves from **700 Upper Applegate Road**. Agents also seized from BOWMAN's residence an unused US Bank "cash advance" type check for use by October 31, 2012, payable to M. Jean YAGER, **700 Upper Applegate Road**, Jacksonville, OR 97530-9738. Agents also found handwritten notes which appear to be BOWMAN's expenses. One of the notes reads:

2000 Jean  
1500 710-Jan/Feb  
500 power-irrigation  
800 Day  
1200 Barbara-cabin  
6000

I believe that "2000 Jean" refers to approximately \$2,000 monthly payments BOWMAN is paying to Melissa Jean YAGER for the rental of **700 Upper Applegate Road**. "1500 710-Jan/Feb" refers to the neighboring property to 700, 710 Upper Applegate Road, Jacksonville, Oregon, which BOWMAN is renting for \$750 per month. "500 power-irrigation" is BOWMAN's budget for the power and water to grow marijuana plants. "800 Day" is BOWMAN's budget for the use of Day William BODDORFF's property at **746 Upper Applegate Road, Jacksonville, OR**. "1200 Barbara-cabin" refers to BOWMAN's rental of the property owned by the Barbara A. Flynn Trust et. al. at 2110 Little Applegate Road, Jacksonville, OR. I know that 2110 Little Applegate Road, Jacksonville, OR, contains an approximately 360 square foot cabin.

30. Another note reads:

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+ 500000 William  
 700,000 690-  
 +200,000 700-  
 700,000 3 EAST  
250,000 cabin  
 2,350,000

I believe the "+500000 William" refers to BODDORFF's remaining moneys owed on the note on the property at **746 Upper Applegate Road**. "+200,000 700-" is an approximately \$200,000 payment for use and/or purchase of **700 Upper Applegate Road**. "250,000 cabin" is an approximately \$250,000 payment for the use and/or purchase of 2110 Little Applegate Road, Jacksonville, OR.

31. Another note reads:

"700 200,000"  
 "690 700,000"  
 "710 250,000"  
 "Cabin 240,000"  
 .....  
 "Day 1,500,000"

I believe that the note "700 200,000" refers to BOWMAN's budgeting for the purchase of **700 Upper Applegate Road** and "Day 1,500,000" refers to BOWMAN's budgeting for the purchase of **746 Upper Applegate Road**.

32. Agents seized approximately 206 marijuana plants growing outdoors at **746 Upper Applegate Road**. Agents also found approximately fifteen ziplock bags containing marijuana, two Home Depot buckets containing marijuana, assorted burlap bags and glass jars containing marijuana found throughout BODDORFF's residence. Agents also found two scales and a shotgun in the residence. Day BODDORFF and his friend Marvin Lumbard were present at the residence when the search warrant was served.

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33. Task Force Officer (TFO) Kevin Roberts conducted a post Miranda warning interviews of BODDORFF and Lumbard. BODDORFF stated that he had marijuana in his home and was not a member of the Oregon Medical Marijuana Program (OMMP) nor, had he ever been a part of the OMMP. BODDORFF told the officer that he uses marijuana once or twice a day for back pain. BODDORFF related that he knew that James BOWMAN and the High Hopes Farm were growing marijuana on his property. BODDORFF advised that BOWMAN pays BODDORFF \$2,000 a month for the use of BODDORFF's property in order to grow marijuana. BODDORFF said BOWMAN is trying to grow marijuana for medical reasons and give it to people that actually need it and not make a profit off of it, "other than running a business, a legit business." BODDORFF believed that BOWMAN was making a "fair amount of money" from his (referring to BOWMAN's) farm.

34. BODDORFF told TFO Roberts that he has known BOWMAN and his girlfriend Melissa YAGER for about four or five years. Approximately one year prior to the interview, BOWMAN began leasing BODDORFF's mobile home on the property. BOWMAN's farm manger "Dave" moved into the mobile home.<sup>2</sup> BOWMAN then asked BODDORFF to lease some of BODDORFF's land to BOWMAN in order to grow marijuana. BODDORFF agreed to lease BOWMAN the land, however, BODDORFF was worried about the federal government seizing his property. BODDORFF said that BOWMAN told him that he did not need to worry as BOWMAN was following the letter of the law when it came to

<sup>2</sup> BOWMAN's farm manager "Dave" is believed to be David COLLINS who was previously mentioned as living in a mobile home on the property.

medical marijuana. BODDORFF went on to tell TFO Roberts that BODDORFF was impressed with the way BOWMAN was growing his marijuana because he only had half of the plants he was allowed to have so he wasn't abusing the system.

35. BODDORFF told TFO Roberts that he has not received any marijuana from BOWMAN and that the marijuana found in his residence came from a grow BODDORFF had in years past. BODDORFF advised that once he was out of marijuana, he planned to start obtaining marijuana from BOWMAN.
36. TFO Roberts then conducted a post Miranda warning interview of Marvin Lumbard, BODDORFF's friend who was present at the residence during the service of the federal search warrant. Lumbard told TFO Roberts that he and BODDORFF were old friends and that they have known each other for thirty years. Lumbard told TFO Roberts that he visits BODDORFF in Oregon approximately three times per year and Lumbard is a medical marijuana patient in California. Lumbard stated he learned from BODORFF and "James", referring to James BOWMAN, that High Hopes Farm was renting a half an acre of land from BODDORFF to grow marijuana. Lumbard questioned BODDORFF about allowing BOWMAN to grow marijuana on BODDORFF's property as Lumbard is aware that marijuana is illegal under federal law. BODDORFF told Lumbard that BOWMAN told BODDORFF that BOWMAN had the appropriate paperwork to grow the marijuana.
37. Lumbard told TFO Roberts that the previous year was the first time marijuana was grown on BODDORFF's property. Lumbard advised that the previous year



he met BOWMAN for the first time. BOWMAN showed Lumbard his marijuana plants which were bushy and approximately six to eight feet tall and six to seven feet wide. Lumbard described BOWMAN's marijuana plants last year as, "huge, beautiful." Lumbard went on to tell TFO Roberts regarding BOWMAN's marijuana plant growing abilities, "...the guy knows what he's doing and that's all I can say."

38. Lumbard advised that BODDORFF did not obtain BODDORFF's marijuana from BOWMAN. Lumbard advised that a couple of years ago, Lumbard and BODDORFF grew five or six marijuana plants and that BODDORFF obtained enough marijuana from the plants to sustain himself through the present time.
39. Marijuana is a Schedule I Controlled Substance.

### CONCLUSION

40. I believe that this declaration demonstrates that based on the facts and analysis set forth in this declaration, that there is probable cause to believe that **700 Upper Applegate Road, Map/Tax lot #383W27C 1509, Jackson County, Oregon, and 746 Upper Applegate Road, Map/Tax lot #383W33 100**, which includes the mailing addresses **1470, 1473, and 1380 Hamilton Road, Jackson County, Oregon**, were used to commit and to facilitate the commission of violations of controlled substance laws, specifically 21 USC, Section 841(a), which is punishable by more than one year's imprisonment. Therefore, the property is subject to forfeiture pursuant to Title 21, United States Code, Sections 881(a)(7).

I declare under penalty of perjury that the foregoing is true and correct pursuant to  
28 U.S.C. §1746.

EXECUTED this 5<sup>th</sup> day of November, 2012.



Clark Wheeler  
Special Agent  
Drug Enforcement Administration

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